

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MAACO FRANCHISING, INC. : CIVIL ACTION
: :
v. : : No. 11-3087
: :
JAMES M. GAARDER., et al. : :

ORDER

AND NOW, this 21st day of March, 2014:

1. “Plaintiff Maaco Franchising, Inc.’s Motion to Strike and/or Dismiss Defendants’ Answer, Affirmative Defenses and Counterclaim” (doc. no. 36), to which no opposition was filed, is granted. “Defendants’ Answer and Counterclaims” (doc. no. 31) is stricken.¹
2. Defendants’ “Motion to Set Aside Default” (doc. no. 33) and plaintiff’s “Motion for Preliminary Injunction and Other Relief” (doc. no. 4) are denied.

BY THE COURT:

/s/ Edmund V. Ludwig
Edmund V. Ludwig, J.

¹ On January 28, 2013, plaintiff’s request for default was granted and a default was entered against defendants for failure to appear, plead or otherwise defend. Doc. no. 30. On February 12, 2013, defendants purported to file their answer, affirmative defenses and counterclaim, before requesting that the default be opened and without obtaining leave of court to do so. *See* doc. nos. 31, 33.